

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 6, 2003 PLANNING COMMISSION MEETING

P.A.S.: County Change of Zone #215
County Miscellaneous #03006

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: Amend the County Subdivision and Zoning Resolutions to revise the required fees.

CONCLUSION: These text changes to the County zoning and subdivision resolutions matche proposed City text amendments and will provide consistency with the City as well as a better match between fees and service costs.

<u>RECOMMENDATION:</u>	Approval
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GENERAL INFORMATION:

CHANGE OF ZONE NO. 215 to revise Article 23, "Fees," of the Lancaster Zoning Resolution; including fee changes to 23.003. Change of Zone; 23.005 Community Unit Plan; 23.007. Mobil Home Courts; 23.009 Special Permits; 23.011 Administrative Amendments; 23.013. Board of Zoning Appeals; 23.015 Airport Zoning; 23.017. Changes in Text; 23.019 General Fees and a new section 23.023. Postponement fee.

MISCELLANEOUS NO. 03006 to revise the Lancaster County Land Subdivision Resolution by amending Section 3 "Procedure" to include fee changes to 3.02 Administrative Subdivision; 3.05 Preliminary Plat Fees; 3.15 Final Plat Fees and Notification; 3.18 Survey Errors; 3.19 Vacation of Plat; 3.20 Final Plat Amendments and a new section 3.25 Text Amendments.

HISTORY: The last revision to the County fees was done in 1999. Prior fees had been unchanged since 1979.

ANALYSIS:

1. The purpose of these text changes are to raise additional revenues to support efforts of the Planning Department to effectively and efficiently administer the zoning and subdivision regulations.

2. These amendments parallel those proposed for City zoning and subdivision application fees. Procedural changes for county applications are not proposed at this time, since the counties procedures are more constrained by state statutes.
3. The fees generally reflect an increase of about 25%.
4. Fees still will cover a small amount of the cost to properly process and review applications, including notice to neighbors and other jurisdictions and counties.
5. This proposal adds an additional fee for postponements that require a re advertisement and a fee for text amendments to the subdivision code.

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July 22, 2003

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Proposed changes to the County Subdivision Regulations are as follows:

CHAPTER 3 **PROCEDURE**

Sec. 3. 02. ADMINISTRATIVE SUBDIVISION. A plat shall be required for all subdivisions except as permitted in this section. The Planning Director or his/her authorized representative is hereby authorized to approve subdivisions under the following conditions:

(n) (1) Accompanying the application the subdivider shall pay to the County a fee of one hundred twenty five dollars (~~\$125.00~~ ~~\$100.00~~) plus twenty five dollars (~~\$25.00~~ ~~\$20.00~~) per each lot for each administrative subdivision application. (November 18, 1999; Resolution No. 99-2330)

(o) (2) Requests for modification shall be accompanied by a one hundred twenty five dollar (~~\$125.00~~ ~~\$100.00~~) fee. A notice to adjacent property owners shall be mailed at least 14 days before the Planning Commissions's public hearing. Receipt of such notice is not mandatory or

required as a condition precedent to any such public hearing. (November 15, 1988; Resolution No. 4432.) (November 18, 1999; Resolution No. 99-2330)

Sec. 3.05. PRELIMINARY PLAT FEES. The following fees to Lancaster County shall accompany the filing of the preliminary plat:

(a) Filing and notification fee of \$600.00 ~~\$400.00~~ (November 18, 1999; Resolution No. 99-2330)

(b) Unit fee of \$50.00 ~~\$40.00~~ per lot to a maximum of \$2,500.00 ~~\$2,000.00~~. (November 18, 1999; Resolution No. 99-2330)

Sec. 3.15. FINAL PLAT FEES AND NOTIFICATION. (a) A fee of one hundred twenty five dollars (\$125.00 ~~\$100.00~~) plus ~~ten~~ twenty five dollars (\$25.00 ~~\$10.00~~) per lot, to a maximum of two thousand five hundred dollars (\$2,500.00 ~~\$2,000.00~~) shall be paid to the County at the same time a plat is filed with the Planning Director. (November 18, 1999; Resolution No. 99-2330)

(b) A general notice describing the property location and the date and location of the Commission hearing will be mailed at least ten (10) days before Planning Commission's public hearing to the owners of record within one mile of the boundaries of the proposed subdivision. Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing. (Resolution No. 5344, June 25, 1996) (November 18, 1999; Resolution No. 99-2330)

Sec. 3.18. SURVEY ERRORS. In the event that a survey error is found at any time after the filing of the final plat with the Register of Deeds, the subdivider shall be notified by the Planning Director. Thereafter, the subdivider shall immediately proceed to cause the survey error to be corrected. Building permits on any or all the lots within the subdivision may be withheld and the Board may take such action it deems appropriate to obtain the correction of the survey error. The subdivider shall submit to the Planning Director a corrected final plat, an explanation letter setting forth the corrections, and a fee of ~~fifty~~ one hundred twenty five dollars (\$125.00 ~~\$50.00~~). The Planning Director shall transmit the corrected final plat and the letter of explanation to the County Engineer. The County Engineer shall review and return comments to the Planning Director. Thereafter, a copy of the corrected plat, the letter of explanation to the County Engineer, and the recommendation by the Planning Director shall be transmitted to the County Attorney and County Clerk. The County Attorney shall prepare a resolution approving and accepting the corrected final plat and voiding the plat with the survey error. The Board may then approve and accept the corrected final plat.

After such approval, the Planning Director shall then file the resolution approving and accepting the corrected final plat and the approved corrected final plat in the Office of the Register of Deeds. The recording fee shall be paid in advance by the subdivider and submitted to the Planning Director. The name of the corrected final plat shall be "A corrected plat of (the name of the said subdivision)." The word "replat" shall not be used. The corrected plat shall comply with this resolution and the conditions of the original plat as approved by the Board.

Sec. 3.19. VACATION OF PLAT (VOIDING). The owner of any subdivision or plat may file a request to vacate all or a portion of such subdivision or plat with a fee of two hundred and fifty dollars (\$250). A notice to adjacent owners of record shall be mailed at least ten (10) days before

the Planning Commission's public hearing. Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing. After notification of the proposed action has been mailed to the owners of record within one mile of the boundary of the proposed vacation, the board may then set forth conditions it deems appropriate and approve the vacation. After the vacation is approved by the Board, the Planning Director shall then file the resolution approving the vacation in the Office of the Register of Deeds. Thereupon, the previous subdivision or plat shall be voided. The recording fee shall be paid in advance by the owner and submitted to the Planning Director. (November 13, 1990, Resolution No. 4690)

Sec. 3.20. FINAL PLAT AMENDMENTS. After a final plat has been approved by the Board, the Planning Director is authorized to approve amendments to the plat if:

- (a) A request for amendment is filed with the Planning Director, accompanied by a survey, if appropriate;
- (b) There is no increase in the number of lots;
- (c) No public land will be accepted as a result of the amendment, except as may be incidental to the adjustment of lot lines and/ or right-of-way lines;
- (d) The amendment is consistent with the purposes of this chapter;
- (e) A fee of ~~one~~ two hundred fifty dollars (~~\$250.00~~ \$150.00) is paid to the County;
- (f) The amended plat is filed in the Office of the Register of Deeds of Lancaster County, Nebraska, and the recording fees have been paid in advance by the subdivider and submitted to the Planning Director.

Sec. 3.25. TEXT AMENDMENTS. The filing fee for a change in the text in the County Subdivision Regulations shall be two hundred and fifty dollars (\$250.00).

Proposed changes to the County Zoning Regulations are as follows:

ARTICLE 23 FEES

23.001. General Regulations. The fees set forth in this article shall apply to this resolution. Under no condition shall any fee required hereunder be refunded for failure of said application to be granted by the County Board of other appropriate authority.

23.002. Notification. \$0.00. (Resolution No. 99-2319, November 23, 1999)

23.003. Change of Zone. The following fees shall be charged at the time of filing an application for a change of zone:

- a) For the filing of an application for a change of zone in the "AG", "AGR", and "R" zoning districts:

1) Where the area for which the change of zone is requested is one (1) acre or less, the application fee shall be two hundred fifty dollars (\$250.00) ~~one hundred ninety five dollars (\$195.00)~~. (Resolution No. 99-2319, November 23, 1999)

2) Where the area for which the change of zone is requested is in excess of one (1) acre, the application fee shall be three hundred and seventy dollars (\$370.00) ~~two hundred ninety dollars (\$290.00)~~. (Resolution No. 99-2319, November 23, 1999)

b) For the filing of an application for a change of zone in all other zoning districts:

1) Where the area for which the change of zone is requested is one (1) acre or less, the fee shall be three hundred and seventy dollars (\$370.00) ~~two hundred ninety dollars (\$290.00)~~. (Resolution No. 99-2319, November 23, 1999)

2) Where the area for which change of zone is requested is in excess of one (1) acre, the fee shall be seven hundred forty dollars (\$740.00) ~~five hundred eighty five dollars (\$585.00)~~. (Resolution No. 99-2319, November 23, 1999)

23.005. Community Unit Plan. The application fee for a special permit for a community unit plan as required in Article 14 shall be two hundred fifty dollars (\$250.00) ~~one hundred ninety five dollars (\$195.00)~~, plus twenty five dollars (\$25.00) ~~twenty dollars (\$20.00)~~ per dwelling unit to a maximum of two thousand five hundred dollars (\$2,500.00), which shall accompany the filing of the community unit plan. Credit shall be given for any fees paid in connection with subdivision of the community unit plan. (Resolution No. 99-2319, November 23, 1999)

23.007. Mobile Home Courts. The fee for an application for a special permit for a mobile home court under Article 13 shall be two hundred and fifty dollars (\$250.00) ~~forty dollars (\$40.00)~~, plus twenty five dollars (\$25.00) ~~twenty dollars (\$20.00)~~ per mobile home space shown on the application. (Resolution No. 99-2319, November 23, 1999)

23.009. Special Permit. The filing fee for an application for a special permit under Article 13, other than mobile home courts and community unit plans, shall be as follows:

a) If the area for which the special permit is requested is one (1) acre or less, the fee shall be two hundred fifty dollars (\$250.00) ~~one hundred ninety five dollars (\$195.00)~~; (Resolution No. 99-2319, November 23, 1999)

b) if the area for which the special permit is requested is in excess of one (1) acre, the fee shall be seven hundred forty dollars (\$740.00) ~~five hundred eighty five dollars (\$585.00)~~. (Resolution No. 99-2319, November 23, 1999)

23.011. Administrative Amendment. The filing fee for an application for an administrative amendment to a special permit ~~or to a use permit~~ shall be one hundred twenty five dollars (\$125.00) ~~one hundred dollars (\$100.00)~~. (Resolution No. 99-2319, November 23, 1999)

23.013. Board of Zoning Appeals. The filing fee for an application for an appeal to the Board of Zoning Appeals shall be two hundred and fifty dollars (\$250.00).

23.015. Airport Zoning. The filing fee for an application for a height permit in connection with the airport zoning district, Article 18, shall be two hundred fifty dollars (\$250.00) ~~one hundred ninety five dollars (\$195.00)~~. (Resolution No. 99-2319, November 23, 1999)

23.017. Changes in Text. The filing fee for an application for a change of text in the 1979 Zoning Resolution of Lancaster County shall be two hundred fifty dollars (\$250.00) ~~one hundred ninety five dollars (\$195.00)~~. (Resolution No. 99-2319, November 23, 1999)

23.019. General Fees. The filing fee for an application in connection with the 1979 Zoning Resolution of Lancaster County not otherwise covered by this article shall be two hundred fifty dollars (\$250.00) ~~one hundred ninety five dollars (\$195.00)~~. (Resolution No. 99-2319, November 23, 1999)

23.021. Exemption for County Filing on its' own behalf. No fee shall be required when any action is recommended by the County board on its' own motion or by any person or group officially designated to participate in the administration of this resolution.

23.023. Postponement Fee A fee of \$125.00 shall be charged at the time of filing an application to remove and readvertise action on an item that was postponed for an indefinite period at the request of the applicant.